

N^o 18



Mr. S Q U I R E's

SERMON,

Preach'd at the

Assizes A T Wells;

August 20. 1718.





Mr. J. O. L. R. E.

SERMON

Preach'd at the

Church



Church

April 20. 1718.



T H E
Lawfulness of taking OATHS:
Together, with an E X P O S I T I O N,
O F
Their N A T U R E and O B L I G A T I O N.

S E T F O R T H I N A
S E R M O N,
Preach'd at the
A S S I Z E S
B E G U N A T
W E L L S
I N T H E
County of S O M E R S E T,
August 19. 1718.

By *Fr. Squire*, M. A. Rector of *Exford*, and Vicar of
Cutcombe and *Luxborow*.

Publish'd at the Request of the Honourable High
Sheriff, and Grand Jury.

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Mr. *Brown* in *Wells*. (Price Six-pence.)





WE the High-Sheriff, and Grand Inquest for the County of Somerset, at the *Affizes* held at *Wells*; do hereby give our Thanks to the Reverend Mr. *Squire*, for his Excellent Sermon Preach'd at the Cathedral Church, the 20th of this Instant; and desire him to Print the same.

At the Grand Jury Chamber, *August* the 21st. 1718.

Tho. Archer Vic.

Jo. Strachey

Jo. Jones.

Chris. Keen.

John Britton.

Richard Comes.

William Applin.

John Pigott.

Robert Houlton.

Tho. Browne.

Robert Hayne.

George Dodington.

John Whittington.

William Long.

Ja. Lyde.

Tho. Hodges.

John Hole.

William Baron.

John Salmon.

James Byrt.

John Lyde.





To the HONOURABLE the
HIGH-SHERIFF,

And the GENTLEMEN of the

Grand Inquest

Of the County of *Somerset*, who have Honoured me
with their Names on this Occasion :

The following S E R M O N is with all Respect
and Gratitude, worthily Dedicated by,

GENTLEMEN,

Your most Obedient, and

Most Affectionate

Humble Servant,

FRANCIS SQUIRE



PREFACE

THE Complements of some, as well as the Remarks of others, have extorted from me a publication of this Sermon ; which I the more chearfully venture on, because if I happen to be Mistaken in my Notions, here will be a fair Oportunity, either to Friends or Enemies, to set me right. Whosoever shall do me that favour, (whatever be his Motive) I shall Embrace him as a Benefactor, and become his Profelite, for I assure him and all Men, that I have made no Alliance with any Principal whatever, but to exchange it for a better.

There is one Offence taken which I little expected, and by Persons from whom I little expected it, that *this my Doctrine of the Obligation of Oaths, seems to condemn the Proceedings of the Clergy and others at the Revolution.*

Bless'd Revolution ! So far am I from designing to Impugn it, that I hope to Demonstrate (when occasion shall offer,) that I have here laid a Foundation, to support and Countenance it. However, I am right glad to see such a suddain fondness in some Men, for the Revolution ; and I bid them *God Speed*, in the defence of it, and all its happy Consequences, tho' at the expence of all my Credit in this Sermon. In the mean time, I beg 'em not to be Affrighted with these Apparitions of their own fancys ;
nor

P R E F A C E.

nor think that it is in my Power, or any Bodys else, to overturn a Settlement that God has Ratified. As they may be intirely Satisfied, as to the security of that, so I pray them not to be in any pain for Me; especially till some Body has drawn a just Parallel betwixt these and those times; till it be Demonstrated, that (according to my Notions) an Oath made to Just Authority is to be kept to Usurpation; that a Vow of Obedience, according to Law is to oblige us to Obedience beyond all Law; that a Limited, or Conditional Obligation is in force, tho' divested of all Limits and Conditions; and that an Oath of Allegiance to a King on the Throne, is to hold the poor Subjects, even after he has pull'd down, Abdicated, or deserted it.

I shall detain the Reader no longer; but to tell him, that the Subject here Treated of, is of the last Importance, and it is the Interest of every Man, that the World should have right Apprehensions of it. For these Reasons I call upon those, who shall espie any dangerous Errors in this discourse, to give me an Opportunity to retract and suppress them; and I request of these, (if any such there be) who shall think it useful to the Publick, that they would generously Communicate it, to their Friends and Neighbours.



NUMBERS XXX. 2.

If a Man Vow a Vow unto the LORD, or Swear an Oath to bind his Soul with a Bond; he shall not break his Word, he shall do according to all that proceedeth out of his Mouth.

WE have here an open suggestion of the nature of an Oath or Vow, that it *binds the Soul*, and that the Lord is a party, and hereon is founded a positive Command for the Observation of it. It is not, I confess, attended with all the Casuistical determinations, that may at this time of day seem proper or necessary; because 'tis likely before the delivery of these ancient Oracles, the Simplicity of Mankind had not so far degenerated, or the arts of Sophistry made so shameful a progress as to furnish Occasion for such Odious Suppositions.

But how insipidly Honest, how Weak, or how Simple forever were the Fathers, yet their Children have grown up to be strong enough, or subtile enough to break or to untie these *feeble Ligaments*; and those obligations which all the Heathen as well as Jewish Moralists stupidly Voted to be firm and inviolable, our Christian Casuists have dexterously instructed us to condemn or ridicule.

Every Age seems to improve in this blasphemous Mystery! The most sagacious Statesmen are at a loss to contrive such an Oath as is able to confine a Modern Conscience! nay so hard is the present Fate of Governments, that the

Guilt of the Perjurer is now seriously charged on those who administer or impose the Oath, and that vile
 * Hudibras, Evasion which was but * Poetically and by
He breaks way of Raillery put into the mouths of the
the Oath that vilest Men of the last Generation, is now
makes it, gravely asserted to support the Spirits and to
Not be that pacify the Consciences of a Party in this,
for conveni- who make the loudest pretences to Religion,
ence takes it. at the same time that they are thus insolently familiar with the great Author of it.

For these reasons I chose this Subject for this publick discourse; and because it is impossible I should find time to mention every thing that so important a Theme may comprehend, I shall confine my Observations to a few general Topics, and only insist on those Points that the present Occasion, or the present Times may very justly offer to our consideration.

The Method therefore that I propose to you is,

I. *First*, To Examine into the Lawfulness of taking Oaths.

II. *Secondly*, To inquire into their Nature, and

III. *Thirdly*. Their Obligation.

I. For the Lawfulness of taking Oaths, a very few Words (in this place) will justify my concluding in the Affirmative, because this has been so often and so unanswerably proved before me; and because it is denyed or scrupled but by very few, and those generally an ignorant and truly a harmless sort of People. Now Custom it self (so universal as this is) must needs be admitted as no small Argument for the defence of this Practice, unless it can be shewn to be inconsistent with Scripture or Reason, the one the Natural, the other the Revealed Law of God.

That this is no ways repugnant to Revelation we need almost but open the Book to be abundantly satisfied. The
 old

old Testament is every where full of it, and tho' we find a wonderful difference and frequent alterations as to the Ceremony of an Oath, yet the thing it self was incontestably continued with every Age, Sect, or Oeconomy; among Jews and Gentiles, Patriarchs and Prophets.

Our Saviour I confess has left us one Text whence pretence has been taken to condemn an Oath even on the most important occasions; yet if we read but the words immediately following that Prohibition, it's there Plainly intimated that it concerns only common Conversation, *Let your Communication be Yea, Yea, &c.* That this interpretation of our Lords command is not forced or unnatural we appeal to his Example. When himself was adjur'd or had an Oath laid on him (as was then the fashion) by the High Priest, did he scruple to take it? did he once protest against the Legality of swearing on those Publick occasions, or did he not go on (tho' before he had refused) to answer, as one who thought himself under the obligation of the Oath thus imposed upon him? The same Judgment undoubtedly had *St. Paul* and the other Apostles, who not only talk and argue upon Swearing as a thing Lawful and recommended by the Example of the † High- † *Heb. VI. 13.* est, but truly themselves do frequently practice it, they || invoke the Name of || *Rom. IX. 1.* God for a confirmation of their own *2 Ep. Cor. I. 18. 23.* Testimonies, and * call him to Witness *XI. 10 31. XII. 19..* in the most Solemn manner to the * *Galat. I. 20.* Truth of their writings. And not on- *Phil. I. 8.* ly the Apostles, but their Scholars *2 Ep. Tim. IV. 1.* and Successors, and in one word, the greatest Divines and the most rigid Moralists, the wisest Men and the politest Nations have agreed in this Point.

Indeed it is no more than what the light of Nature dictates! As every prudent Government must be most solicitous

for its own preservation, and for the Justice and Credit of its Administration; so we are sure in order to these Ends it will lay hold on the best Security that can offer it self for the Veracity of a Witness, the Integrity of a subordinate Magistrate, and the Loyalty and Fidelity of a Minister of State. And what Security can be greater than an Oath? The Interest men have in God and Religion is and ought to be the very principal in their esteem and Affection: If then a Government can contrive to bind them under the forfeiture of that Interest to declare the truth, to be diligent in their Functions, or to fulfil their Promises; such an Expedient is so far from Unreasonable, that it will be look'd on by every Wise man as a publick Benefit, an aid to Justice, a refuge to the Innocent, a terror to Criminals, and a Bulwark to the State. Nor can it be reckoned the least offence to the Creator himself to make use of his name on such Solemn Occasions; because when tis accompanied with due reverence and sincerity of Heart, it is an actual Acknowledgment of his Sovereignty and our own Dependance, an open Recognition of his Omnipotence, his Wisdom, his Justice and his Truth. Were it otherwise he would never have laid it as a Duty on his own People (as is common in the Old Testament,) to * *Swear by him and his Name*. But thus I am

* *Isaiab XLV. 23.*
 & *LXV. 16.*
Jerem. IV. 2.
 & *XII. 16.*

entered on the

II. Head of my discourse, which is to Inquire into the Nature of an Oath. I can by no means grant that an Oath is of it self an act of Religion, or directly any part of *Divine Worship*; yet it is not to be denyed, but that tis built and founded upon Religion, nor can that Man who has no notions of Religion be bound by any Oath, nor so much as be Properly said to take one. What Equivalent may be invented for securing the veracity of such men, or what degree of credit

credit they ought to retain in any regular Society; I must leave to their Proper Masters; but wheresoever there is any sense of Religion, the Nature of an Oath is to Wage or Pawn that Religion and all the interest the Swearer has in it and it's Divine Object, on the Sincerity of his Relation, his Promise, or his Evidence.

On this account 'tis very proper that Oaths be administered to every Nation, nay (would the multiplicity of business permit) to every sect or even person according to their Particular Faith in Divine things. It will not make its due impression on our Souls, if we swear by any God or any Gospel but our own; and as this accounts to us for the great diversity of Oaths among the Ancients in different Ages, Countrys, or dispensations; so (seeing they are confessedly of Human institution and at Human discretion) they should still be varied as occasion requires according to the custom opinions or even Prejudices of those Persons we would bind by them. Let it not be an offence in me to say, that any Subject who is likely to suffer by the Rashness, the Equivocation, or any other way of prevaricating in a Witness, seems to have a right not only to sift and examine such Witness, but to have the Oath given him in such a Form, as himself shall think most forcible to extort the naked Truth: At least I may affirm, that where (for dispatch of business) one Form is devised for a whole Community, it ought to be conceived in such strong and general Terms as may reach every one who is not utterly destitute of the knowledge of God, and belief of his Providence.

From this continual necessary fluctuation and variety of the Ceremonial part; I cannot undertake to give you a Definition that takes into it or that will exactly represent to you all sorts of Oaths. As for such People as have made their Vows by their Priests or their Idols, by their Temples or their Altars, by their Fathers Heads, or their Emperors *Genii*, I can only

in general say, that they put to Stake the Honour of those their superstitious Principles and their interest in them; but the Oath that is taken by a subject of England (as it is here worded,) is not only (as has been thought by some) an Appeal to the God of Heaven for the truth of what we say; but an open Abdication of all intercourse with him, an utter Disclaimers of his help and Protection, together with a surrender of all the benefits of the Christian Covenant, and as it were a final *parting Kiss* with the Gospel it self, if our Hearts are not Sincere without reserve in our Declarations.

I here use the word *Sincerity* and not *Strict Truth*, because it is the Former only that will justify a Man before him by whom he Swears; and cases may happen wherein he may be guilty in swearing the most exact Truth, by not knowing, or not believing it to be so; or on the other side innocent in avowing a Falshood upon an invincible Error.

Perhaps there is no such thing as strict Infallible Certainty in this Mortal state. Our Senses may be deceived, our Reason may imperceptibly be disordered, and represent to us either false Principles or wrong Conclusions; we may dream and think we were awake, or some Bodily distemper may work on our Imaginations and the Ideas that are the Phantoms of the Spleen or Vapours, we may Judge to be Real. Allowance therefore is always to be made for such contingences. We are to swear by the best knowledge or evidence that Human Nature is capable of, and such proof the Magistrate must be contented with because there is no better. As we must go by the testimony of our Eyes or Ears, and by the plain and clear representations of our Memories; so we are allowed to proceed on such general Suppositions as these, that *a Man is the same at one time as at another, that two men are not absolutely alike, that we understand the different sound of words and know what we say, that*

we

we have power over our own Actions, and others of the same nature.

If therefore these Maxims should at any time fail us, (as they have been known to do) we are not in such case to be charged with Perjury for relating Untruths or breaking a Promise, but the whole is to be imputed to the Frailty and Insufficiency of human nature. But when we Swear any thing as on our knowledge without such Evidences or contrary to them; or when we Vow to perform any Action which we do not Intend, or which we know is beyond our Power: Then I say we blaspheme our God by attesting him to a lye, we voluntarily put our selves out of the protection of Heaven, we renounce all Benefit of and title to our Religion, and as good as dare and challenge the Judgments from on high to manifest our falshood. But this introduces

III. The Obligation of an Oath: When a Man Pawns a thing of a greater Value for the payment of a lesser, this is called an Obligation upon him; because it is not to be supposed, that any one will let go a better for a worse, a greater benefit for a smaller. Now this is the case of him that takes an Oath, he binds himself to declare or to perform something of Earthly or Momentary consequence, under pain of forfeiture of his right and hope in the World to come; and therefore is he Obliged in all cases Lawful and Possible to make it good.

For as he has by invoking the name of God, rendred him a party to the ingagement, it may be well expected he will make use of his Almighty power to vindicate his Honour. Of this he himself has sufficiently forewarned us; he has assured us *he will not hold those guiltless that abuse his Name, that Lyers & false Witnesses shall perish, and that the Curse shall enter into the House of him that sweareth Falsely:* And many other texts of Scripture are there to the same import. Nor can it from Reason be supposed, that the Almighty will

will force his blessings of Eternal happiness on those who have voluntarily renounced it, and that Renunciation accompanied with a particular affront to his Glorious Attributes: Nor can they easily have the confidence to expect or ask any favour of him they have so affronted, especially where they continue in the Violation of their Vows and Repetition of their Crime, or do not make all the acknowledgment and reparation within their power both to God and Man.

But this part of my subject requires that I distinguish betwixt Oaths, and Vows; the one Assertory, the other Promissory.

1. When a man makes an Assertory Oath as in bearing Witness to any Fact or the like; it is enough for him if the matter stands at that juncture of time as he relates it, and if he has sufficient grounds and evidences to conclude it certainly so. But for any subsequent alteration of the subject to which he gives Testimony he is not at all concerned, nor can he be supposed in cases of bare assertion to regard more than what is past or present. Nay even swearing to or avowing any point of Doctrine or meer Speculation, can hardly be deemed to hold or oblige any Person longer than the point of time wherein he takes such an Oath: For as every man knows that it is not in his Power either to foresee or to command his own Faith, so neither is it Lawful to bind our selves to oppose the future convictions of Truth, or to defend or retain a Fashood after we discover it to be so. But

2. Vows or Promissory Oaths, as they relate to what's to come, so they are affirmed by all to stick fast to us, and to hold us obliged till the end of the Contract, and the full performance of what is thus promised. For since we have taken on us this Alternative, either to do such a deed or to offend God and forfeit his Favour, what Circumstance can happen weighty enough to make the latter eligible or what can excuse us from the performance of the deed unless it prove to be absolutely impossible or unlawful. Impossi-

Impossibility is an excuse that evidently carries with it its own defence: yet that impossibility ought to arise (or appear at least) after we have taken the Oath, for (as I said before) if we swear to do a thing which we know is out of our Power to do, this is altogether the same imposition on Man and offence to God, as if we did not design to do it, and therefore at the very instant of taking such an Oath we may be said to be Perjured; nor can such Perjury be expiated but by Confession and Repentance, as well as a reparation of any benefit or advantage we procur'd to our Selves by it. Nay a future or Unforeseen impossibility cannot so release us but that it will be necessary for us to make Acknowledgment to those whom we have deceived, to give them any fresh security or Satisfaction for the Benefit on our part, or else fairly to give up the Benefit it self. For whatever Covenant I enter into, I have no title to the Profit but by the Burthen; and tho I may be innocent in injuring another by error or accident; yet as soon as it is discover'd, if I make not reparation, the Will is then concern'd and it becomes a Crime.

Unlawfulness is an Excuse very near a-kin to impossibility. Unlawfulness I mean not in the Imposer or in the form of imposition, but in the Subject matter that is promised. The Question here is not by what Authority the Oath is administred, but by whose Name I swear, and what is the Action I swear to do. Swearing is among us (as I shall show you anon) an Act and Voluntary, and if I take such an Oath at the importunity of a Friend, or even at the threats of an Enemy; (whatever the Humane obligation may be) the name of God and his Honour is as much concerned as if I took it at the call of the Magistrate. So that I say the Query is whether the Business I have sworn to perform be Lawful or not: If Lawful, my Oath is upon me whatever was my motive in taking it: If Unlawful, all the Oaths in the World

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and all the Authority in the World cannot make it my duty.

Of this we shall be satisfied if we consider the Juror in the Quality of a Debtor, His promise is a Debt, and this Oath lies as an Obligation upon him. The partys to whom he stands bound must be the Person to whom he has sworn, or Humane Society in General, (who have all an Interest in the reverence due to Oaths and Promises) or else God himself whose Name he has Invoked. By all or any of these ways he may stand obliged to fulfil his Promise, but no other have any right in it, or pretence to demand it.

Now the Person to whom he has sworn can never be intitled by any Private contract to that which is inconsistent with the Law of God, or the Rights of Mankind; and I think nothing is so certain as that where the Part Interferes with the Whole, or the Creature with the Creator; the *Lesser must ever give place to the Greater*. Tis true such Person is so deceived, and if the agreement was innocent on his part may expect reparation: But still it is unquestionable, that *no Man has a Right to violate God's Laws*, that *he can not make that over to another which he has no Right to himself*, and that therefore such Contracts are of themselves Void.

Can he then be obliged to *Humane Society* for the performance of what is unlawful? I answer in the negative, because nothing is so destructive to Humane Society, as the breach of Gods Laws, and because each Government would be *Felo de se* should they exact the Performance of such private Engagements as are and may be made by wicked persons for their Confusion or Subversion.

As to the Almighty, it is Blasphemy to Imagine, that he Willeth any thing that is sin, or that he requires any man to pay him a Sacrifice, that is an offence to his Nature. The great Creator is himself bound by *Eternal necessary Rules*
of

of *Essential goodness*, and tis not a word of rash Man, that can alter his Divine Pleasure, or turn those Actions into dutys that are eternally sinfull and odious in his sight. The impiety is committed in this case not so much in breaking as in taking the Oath; and tho' it must be expected that God will be much offended at such an Insolent Ingagement; yet he can no more be supposed to require the Performance, than a wise Man would exact of his Neighbour a Promised Injury.

But where the Unlawfulness of the Performance appears not till after the Oath is taken, there may be much difference as to the Innocence of the Contract, but the same is to be said, as to the Oath it self, that is, both are Cancell'd. The reasons for this I have already given common to both, but, as to this latter Case, there is this farther to be added; It is a Tacit if not exprefs condition of every agreement among honest Men that it be *Conformable to the will of God*; and as an Honest Man would not have taken the Oath but by supposing it so; so as soon as ever it shall appear to be otherwise, he must repent of it and renounce it.

We may here expect a very warm objection, that *If no Oaths are Obligatory any longer than they appear Lawful to the consciences of those that took them, what security can Governments have from the Oaths of their Subjects when tis possible those who are farthest intrusted by Vertue of such Oaths in the Affairs or the defence of the State, may by suddain conviction become its most dangerous Enemies, and even hence take an occasion to betray it.*

You may please to observe that this Objection was foreseen and Obviated by what I said above. I took notice to you that *Promisory Oaths are Conditional*; that *when a Man ceases to bear the burden he has no title to the benefit*; that *the advantages of any Covenant are no longer our due, than while we perform our part*; and therefore when any Person

has procured to himself any Profit or Honour, by taking an Oath to Perform the Offices annexed to them; if he happens upon any account to be unable to discharge those Offices, he has not the least pretence any longer to usurp the Advantages. If I am Paid or Intrusted by any Power whatsoever on condition of Fidelity; on whatever occasion I withdraw that Fidelity, at the same time must I renounce the Trust and give up the Revenue; otherwise I go on in a course of Fraud, I Cheat and Impose upon those who have unworthily confided in me, and I take wages to betray those whose Bread I eat; But if (to bind my self to such fidelity) I have taken an Oath also; then God himself is made a party to my injustice, his name is defiled by being made a covering for my Base imposture; and so much worse is my condition than that of an ordinary Criminal, that every Day I sink deeper into Guilt and Infamy, every single Benefit I receive from such Covenant is a repetition of the breach of it, every Penny and every Act is a Recognition of my Vow, a Renovation of my insincerity to Man and my impiety to God. A Good Man therefore tho' he may Chance to be an Enemy, yet he will scorn to be a Traytor. He may Possibly have scruples, and he may Repent of his Oath, but he will not turn it into Perjury. He may be Perswaded to quit his Party, his Principles and Engagements, but still he will take care to do it Fairly and Honourably, and when he withholds his Duty, he will give up his Interest. And happy were it for all Governments if they were so frankly dealt with! How joyful might we be if those only would Sheer us who are hearty to Defend us?

It has been gravely pleaded that Oaths Forced upon a man are not binding, which I readily allow; because whatever he does by Force, he may be said to do but as a Machine or Instrument, and in such case the man can no more be accountable for the Oath than my Pen is answerable for my Propositions.

But:

But pray where is there such a method of Imposition, and what is the Case wherein a man may be properly said to be *forced* to *Swear*? Force imply's such a *Necessity* as to take away our *Choice*, and therefore it can never be said we are forced to do what is in our Power not to do.

There may indeed be in many cases so unequal an Alternative laid before us, as may very violently incline us to one side, (as when a man chooses to part with his Purse to save his Life;) But this I think can hardly happen in the case before us: For if the Oath tender'd me be Lawful, a small motive will prevail on me to take it, and then what should hinder or excuse me from keeping it? But if it be *unlawful*, what *Equivalent* can you find to ballance it, and what offers or terrors of Men can oblige me to choose the Anger of the Almighty?

So that tho' Swords or Pistols are at my Breast, I have still my *Choice*; I am able to Deliberate whether is most Eligible, to Dye or to Blaspheme; And if I choose the latter, tis evident the Action is my own and *Voluntary*; because I choose Wrong. Reason, Revelation, and the Example of many brave men would tell me, that I should not *fear those who can only kill the Body* (nor that neither without Permission) But my Passions prevail on me so to fear them as to incur his Displeasure who can *destroy both Soul & Body in Hell*. What may be hoped from Gods Mercy for one in such unfortunate Circumstances, or how far the frailty of Nature may plead for him, I am not now to Enquire; for indeed these cases very seldom happen: But for those who pretend to be forced to take Oaths to Governments for Fear of Losing *Places* or *Preferments*, I shall only add, that their Excuses are as good as his; that says he is Forced to steal, because he has resolved not to Work, or as his that is Forced to make away his Father, because he can no longer be without the Inheritance. After all it must be granted, that if there be

an absolute Necessity, that Mr. *Suck-a-One* must have so many Hundreds a Year, that his Lady must have her Coach, and both their Entertainments, their Liverys and their Equipage; That then he may be *Forced* to Lie or to Deceive, to be Ingratefull or Treacherous, to Swear or For-swear in order to obtain them.

The Obligation of an Oath has been sometimes Evaded (or pretended to be so) by *Equivocal words*, or by *Mental reserves*. I shall need to say but very little of this Impious Sophistry, because it has been exploded by good and wise men of every party, as a device, that destroys all manner of Testimony, takes away the very end and use of Oaths, and is an utter subversion of all order and Government, and all distinction betwixt right and wrong, guilt and Innocence. This however I must add, that as every wise Government will be sure to have their Oaths Administred in the closest, strictest and plainest Terms; so it is certainly the duty of every Subject, that takes such Oath, to take it in the known profess'd and common sense of the Imposers: because Oaths are Ordained for the common Benefit of the whole Society, whereof he is (or by this Act pretends to be) a Member; and as himself and all he has depends upon the free and open Testimony of others; so if he refuses to give his own (when occasion offers) with the same Fairness and Honesty, he then ceases to *do as he would be done by*; he deprives his Fellow Citizens of that mutual Assistance he enjoys from them; and Introduces such dealing as must end in the destruction of the Society it self; and all this aggravated with Prophaness and Blasphemy; and abusing the most sacred name, to carry on the foulest Imposture.

For preventing such Subterfuges; 'tis very happy where a Government has contrived an Oath to be *Active*. Our Lord

* *Mat.* (you remember) may not be so properly said to
XXVI.23. swear as to be Sworn. The High Priest said*

I Adjure

I Adjure Thee &c. And tho' that blessed Person was so Upright, and so Ingenuous as to Answer directly; yet so many Cavils and Questions may arise about the Competency of Authority, about the rights of Imposers &c. upon this Way of Adjuring, that it seems a much firmer and more Indissoluble tie, if the Oath be so Administred, that he who takes it may do something Actively (as here in *England*) to testify his acknowledgment and acceptance of it. But so I come to the uses may be made of these Observations, which concern

I. MAGISTRATES.

II. SUBJECTS.

I. Tho' Oaths are contrived for the Common benefit of the whole Society, yet they are wisely referred in the hands of the Rulers of each Society. For they are more immediately for the Magistrates use: And that not only to bind and tie down the People to their Allegiance; but to guide his own Hands in the Administration of Justice. By the help of such Testimony, is he Inabled to search into the bottom of a Cause, rightly to distinguish Reallitys, from Pretences, to determine with Equity the Properties of Contenders, to do Justice both to Innocent and Guilty, and to commit a Trust, or bestow a favour, where it is most likely to be well imploy'd.

Pardon me then if I exhort such Persons to endeavour to support the Solemnity and Reverence, that is due to an Oath; and if I put them in mind, that they weaken their own Hands, and dissolve their Power as often as they suffer it to be brought into Contempt. If an Oath is of so great Importance to the well Ordering and even Being of a Commonwealth, a few Arguments will prevail on every wise Governour, to study by all Imaginable ways to maintain its Dignity. In order hereto

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The first and Principal of all his Cares, will be to *Encourage Religion*. The strength and Vertue of all Oaths (as also lower degrees of evidence,) depend upon this, and without this a Judge had as good cast Lots for the Peoples Lives or Fortunes, as call forth Witnesses. For what signifies it whether I tell Truth, as long as I fear not a revenger of Falshood? Why should I be afraid to tell a lye upon that book which I take to be but a Fable it self? What can make me shrink at serving a present turn by the Name of God, whilst I doubt of his Being, or condemn his Providence? These Consequences are too obvious to be overlook'd by any prudent Statesman, and for these reasons (should he have no greater) will he be an Advocate for Religion, a Promoter of Gods Worship, and an Enemy to all those who Mock at his Laws or Ridicule his Word.

A 2^d, means to support the Majesty of an Oath is, by causing it to be Administred with due Gravity. Our Courts of Judicature have been sometimes Complained of, that the Inferior Officers do huddle over these Solemn Acts with too little Decency and Attention, and that the Parties who Swear do very often so little understand or heed the substance of their Oaths, that they scarce hear the Words. If this be so, tis pity, but it were amended; and as every Oath ought to be tenderd them in such plain terms as are suitable to their Idea's and agreeable to their Religion; so it is very convenient that the Magistrate by whom it is imposed, should (as often as possible) explain from the Bench its Nature and Obligation, and raise in Mens minds a just Dread and Horror of Swearing falsely.

A 3^d Excellent way to raise the Credit of Publick and Judicial Oaths is to suppress the impious and scandalous practice of *Common Swearing*. By this Audacious Vice, do Men bring themselves to an Insolent Familiarity with God's Name and Attributes; from this Unhappy experience of his

his Forbearance, do they impudently infer his Security or forgetfulness; and thus do they grow up from Prophaness to Perjury, and having so long, so Customarily *Taken God's Name in vain*, no wonder if (a considerable Temptation offering it self) they take it to the ruin of their Neighbours, or their Governours.

But how shall the Magistrate be able to suppress this prevailing Mischief? One would think the Penalty, the Law lays upon it, might be sufficient to balance a sin, that has neither Pleasure, Profit, nor Honour; but if a due Execution of this, together with a good Example shewn by the Executors, will not help us to Discountenance it; I must leave to God's Providence and the Legislators Vigilance to contrive means, that may be more effectual, and so proceed

2dly, and lastly, to the uses of this Doctrine to be made by all Subjects. Would we seriously consider; how much our selves, and the Society we belong to, depend upon a right apprehension of this Matter; how our Lives and Properties, our Families and Inheritances, our Pleasures and our Honours are Subject to these Testimonies: We could not but labour as much as possible, to raise their Reputation, and advance the Veneration that ought to be paid them. (The ways to do this I have shewed you already; which are promoting Religion and the fear of God, asserting and defending, rather than bantering the Obligation of an Oath, and heartily joyning to bring common as well as extraordinary Blasphemers, to Condign Punishment) But above all, had we a right understanding of the Malignity of Perjury, did we well reflect on the Aggravations that attend it, what Affront it is to that God who made us, and how justly we may expect his immediate Indignation, on those that commit it; these apprehensions would infallibly render us Cautious in our Evidences, and tender in our

Depositions, and no Temptations, the Vanities of the World, the Appetites of the Flesh, or our Affections to Persons or Parties can offer us; would prevail upon us to incur the Guilt of this Blasphemous Crime.

And as Every Oath would be most Sacred to us; so more especially those which concern our Loyalty, which of all other Subjects of a Temporal concern, is the most important. That Governments are for the good of human Society no Body will deny; that Governours are the Ordinance of God and his Vicegerents, a Christian cannot doubt: How Infamous is it then to Introduce such Doctrines or Practices, as will Frustrate these Ends, and overturn these Ordinances; how fearful a thing is it to Conspire against those who are Elected by the Omnipotent, and whose Election we our selves have most Solemnly Ratified by the Elector's Name?

'Tis mightily in Fashion to complain of the Frequency of Oaths in this Age; But is this, because an Honest Man had need to fear being bound to his Duty, or is it that the more Obligations are upon us, the less we are Obligated? The Behaviour of this Nation has of late been such, as may well excuse and justify our Legislators, for taking all the Security they can devise, for the Fidelity of their People, but wonderfully have they deceived themselves, if the Repetition of an Oath is the way to Cancel it.

What excuse then is there left for those Unhappy Persons, who have so often Sworn to that Government which they hate, who live upon the Bread of those they would betray, who every Day of their lives, Recognize and repeat their Vows of Allegiance, and at the same time Struggle, to bring their Governours into Contempt and Infamy, are Promoters of Sedition, and evidently rejoyce at, if not Foment Rebellion?

If they still plead, that they took an Unlawful Oath, and that they are since better Informed, let them fairly profess

self it, throw up their Commissions, resign their Perferments, Honestly Suffer for their beloved Principles, and *Commit their cause to God*. (He knows abundantly how to protect and Vindicate them, nor do I think, that our Rulers (farther than is necessary for self preservation) would molest or punish them.)

Should they have the confidence to Insinuate, that they *took the Oaths in their own sence*, with any *secret reserve*, or because they *were forced* &c. I cannot think 'em serious enough, to expect any other Answer, than what I have made above to such Suggestions. But by the way let 'em take Notice, what service such Notions are like to do to all Governments and Societies, to all Courts of Judicature and even to Justice it self; and I beg them to consider how well, * That Sentence becomes the mouth of a Christian, which was so long since His'd off an *Heathen Theatre*.

* *Juravi Linguâ,
Mentem Injurâ-
tam habeo.*

But perhaps they fancy there is nothing, but downright Rebellion they have Abjur'd; but will this pass with him, that *Searcheth the Heart*? Nay will not their own hearts inform them, that the Guilt of any Action arises in the Will, that to take delight in any sin is to be Accessary to it, that every Act of Sedition is a degree of Rebellion, and that to Propagate Opinions, and repeat Stories and Libels, that tend to Multiply the Enemies of our King, is utterly Inconsistent with the Oaths of Allegiance, we have taken to him?

If I thought our Adversarys had any thing farther to mutter in their Defence, I would do my Indeavour to give them Satisfaction: But since their Notions in these cases, are as Mysterious as their Design, and since those Arguments, which serve to relieve and support their Spirits, in their private Conferences, are yet too Naked, too Tender
and

and Timorous, to venture into Publick; I shall now dismiss these and all others concern'd in this Doctrine, Beseeching God, that they and all of us, may have henceforth an Honest Regard to our Oaths and Promises, a just Reverence for God's Name and Word, an Inviolable Attachment to our King and Constitution, both in Church and State, and a hearty Affection to our Fellow Subjects.

F I N I S.



Errata.

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We Hope the *Author's* Distance from the *Press*,
will Excuse the rest.

